

REMARKS

Applicant has carefully reviewed the Office Action dated October 21, 2009. Applicant has amended Claim 1 to more clearly point out the present inventive concept. Reconsideration and favorable action is respectfully requested.

Claims 1-2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2005/0166257 to *Feinleib et al.* (hereinafter “*Feinleib*”) in view of the ATVEF specification (Draft version 1.1r26 2/2/1999) (hereinafter “*the ATVEF specification*”). Claims 4-5, 7, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Feinleib* and *the ATVEF specification* and further in view of U.S. Patent No. 6,353,929 to *Houston* (hereinafter “*Houston*”). Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Feinleib* and *the ATVEF specification*, and further in view of U.S. Patent No. 6,813,776 to *Chernock et al.* (hereinafter “*Chernock*”). Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Feinleib*, *the ATVEF specification* and *Chernock* as applied to Claim 8 above, and further in view of *Houston*. Applicant respectfully traverses the 35 U.S.C. 103(a) rejections and submits that Claims 1-2, 4-5, and 7-11 are allowable over the cited references.

Independent Claim 1 as amended is directed to generating an advertising broadcast comprised of a general program having two components, non-advertising content and associated advertising content that is directed to a general class of consumers. This advertising broadcast is information that is broadcast to the consumer, and embedded within this broadcast is unique information. This unique information is provided to induce the consumer to view the broadcast for later access to a desired advertiser’s location on the global communication network through a personal computer-based system. The broadcast to the consumer comprises the advertising broadcast with the embedded unique information contained therein such that the embedded unique information is presented to the consumer in the same manner as the advertising broadcast. Thus, there is provided to the user a transmission that is transmitted to the consumer that contains advertising and non-advertising content in addition to embedded unique information, all of this in the same transmission. At least a first portion of the received unique information induces the consumer to access the desired advertiser’s location after a predetermined time in the

AMENDMENT AND RESPONSE

SN: 09/382,423

Atty. Dkt. No. RPXC-24,739

Page 6 of 9

program, such that the first portion induces by informing the consumer that an access will be available at another desired time. At least a second portion of the unique information is associated with the advertising content of the program proximate in time thereto, such that the second portion that is delivered to the consumer at another desired time during the program allows the consumer to access the desired advertiser location through the personal computer-based system proximate in time to the occurrence of the advertiser's broadcast. The claim further cites accessing the desired advertiser's location proximate the another desired time in the program. Therefore, there must be a program that has advertising content and non-advertising content and there must be a set of unique information that is comprised of an inducement portion and a portion that allows access to be gained to an advertiser's location wherein that second portion is disposed near the advertising content.

Feinleib describes a system for synchronizing streaming content with enhancing content using pre-announced triggers. *Feinleib* describes providing both streaming content and enhancing content to a client. The enhancing content stream includes three elements: announcements, triggers, and data files. An announcement describes an IP address and port on which corresponding triggers will be sent for a particular enhancement. An announcement provides details regarding a time when triggers and data files are to be sent. A trigger is sent to the client at a particular time during an interactive data stream and tells the client to perform particular actions, such as executing a script. Data files are either packages containing interactive content files or the interactive content files themselves.

The Office Action asserts on page 6 that the “announcements” of *Feinleib* reads on the claimed “first portion” of Claim 1. Applicant respectfully disagrees. As described above, the first portion of the received unique information of Claim 1 induces the consumer to access the desired advertiser's location after a predetermined time in the program, such that the first portion induces by informing the consumer that an access will be available at another desired time. The Office Action asserts that paragraph [0044] of *Feinleib* teaches that “the announcement provides details about the upcoming enhanced content, such as identification of the sender, URL information of the triggers, the time when the triggers and data files are to be sent, the title, type of content, subject matter description, etc.” and therefore “the announcement provides a range of

AMENDMENT AND RESPONSE

SN: 09/382,423

Atty. Dkt. No. RPXC-24,739

information to the consumer, in order to entice the consumer to view a latter portion of the broadcast so a particular enhancing content, e.g., a particular web site or URL may be accessed.”

Applicant respectfully disagrees that the announcements of *Feinleib* induce the consumer to access the desired advertiser’s location after a predetermined time in the program, such that the first portion informs the consumer that an access will be available at another desired time. As described in paragraph [0071] of *Feinleib*, the announcements of *Feinleib* are received by the client device and passed through one or more filters which examine each announcement for a match against a list of programs in which the user is interested, or against other types of predefined rules of acceptance. The selected announcements are then stored and used by the client device to prepare to receive triggers indicated by the announcement. Thus, the announcements of *Feinleib* are used by the client device so that the client device is aware of when triggers will be sent. There appears to be no teaching or suggestion in *Feinleib* that the announcements are provided to a consumer in order to induce the consumer to access a desired advertiser’s location after a predetermined time in the program such that the first portion induces by inform the consumer that an access will be available at another desired time.

Feinleib further describes that a “special icon” may be displayed to a user by a browser if the user changes to a new channel to view a new show and the new show is interactive. The “special icon” of *Feinleib* is used to inform the user that the new show is interactive. *Feinleib* contains no teaching or suggestion that the “special icon” is used to induce the consumer to access a desired advertiser’s location after a predetermined time in the program or to inform the consumer that an access will be available at another desired time. In view of the foregoing, Applicant respectfully submits that *Feinleib* fails to teach or suggest at least the feature of Claim 1 of received unique information embedded in a broadcast that includes a first portion that induces a consumer to access a desired advertiser’s location after a predetermined time in a program, and informs the consumer that an access will be available at another desired time. Applicant respectfully submits that the *ATVEF specification* also fails to teach or suggest this feature. For at least the foregoing reasons, Applicant respectfully submits that Claim 1 is allowable over the cited combination of *Feinleib* and the *ATVEF specification* and requests that the 35 U.S.C. 103(a) rejection of Claim 1 be withdrawn.

AMENDMENT AND RESPONSE

SN: 09/382,423

Atty. Dkt. No. RPXC-24,739

Claims 2, 4-5, and 7-11 are dependent upon and include the features of independent Claim 1. As discussed above, *Feinleib* and the *ATVEF specification* fails to teach or suggest the aforementioned feature of Claim 1. Applicant respectfully submits that the *Houston* and *Chernock* references also fails to teach or suggest this feature. For at least the reasons discussed with respect to Claim 1, Applicant respectfully submits that Claims 2, 4-5, and 7-11 are allowable over the cited references and requests that the 35 U.S.C. 103(a) rejections of Claims 2, 4-5, and 7-11 be withdrawn.

Applicants have now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicants respectfully request full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/RPXC-24,739 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
HOWISON & ARNOTT, L.L.P.
Attorneys for Applicants

/Gregory M. Howison Reg. #30646/

Gregory M. Howison
Registration No. 30,646

GMH/mep/sjg

P.O. Box 741715
Dallas, Texas 75374-1715
Tel: 972-479-0462
Fax: 972-479-0464
January 21, 2010

AMENDMENT AND RESPONSE

SN: 09/382,423
Atty. Dkt. No. RPXC-24,739

Page 9 of 9